

CHILD LABOR**CHAPTER 531**

H. B. No. 539

An Act relating to the regulation of child labor; providing a penalty.

Be it enacted by the Legislature of the State of Texas:

Purpose

Section 1.⁴³ The purpose of this Act is to ensure that no child is employed in an occupation or in a manner that is detrimental to the child's safety, health, or well-being.

Definitions

Sec. 2.⁴⁴ In this Act:

- (1) "Child" means an individual under 18 years of age.
- (2) "Commissioner" means the commissioner of labor and standards.
- (3) "Department" means the Texas Department of Labor and Standards.
- (4) "Person" means an individual, corporation, partnership, unincorporated association, or other legal entity.

Minimum age

Sec. 3.⁴⁵ Except as provided by this Act or by a rule of the commissioner of labor and standards, a person commits an offense if that person employs a child under 14 years of age.

Rulemaking

Sec. 4.⁴⁶ The commissioner of labor and standards may adopt rules necessary to promote the purpose of this Act. Except as expressly authorized by this Act, a rule may not permit the employment of a child under 14 years of age.

Hours

Sec. 5.⁴⁷ (a) A person who employs a child commits an offense if that person permits a child 14 or 15 years of age to work more than 8 hours in one day or more than 48 hours in one week.

(b) A person who employs a child commits an offense if that person permits a child 14 or 15 years of age who is enrolled in the fall, spring, or summer session of a public or private school to work between the hours of 10 p.m. and 5 a.m. on a day that is followed by a school day or between the hours of midnight and 5 a.m. on a day that is not followed by a school day.

(c) A person who employs a child commits an offense if that person permits a child 14 or 15 years of age who is not enrolled in summer

43. Vernon's Ann.Civ.St. art. 5181.1, § 1. 46. Vernon's Ann.Civ.St. art. 5181.1, § 4.

44. Vernon's Ann.Civ.St. art. 5181.1, § 2. 47. Vernon's Ann.Civ.St. art. 5181.1, § 5.

45. Vernon's Ann.Civ.St. art. 5181.1, § 3.

school to work between the hours of midnight and 5 a.m. on any day during the time school is recessed for the summer.

Hardship

Sec. 6.⁴⁸ (a) The commissioner may adopt rules to determine whether a hardship exists in the case of an individual child.

(b) The department may determine whether a hardship exists in the case of an individual child under the rules adopted by the commissioner.

(c) If the department determines that a hardship exists in the case of an individual child, Sections 5(a), (b), and (c) of this Act do not apply in that case.

Inspectors

Sec. 7.⁴⁹ (a) The commissioner or any deputy or inspector of the commissioner may, during working hours, inspect a place where there is good reason to believe a child is employed and collect information concerning the employment of a child who works at that place.

(b) A person commits an offense if the person knowingly or intentionally hinders an inspection or the collection of information authorized by this section.

Hazardous occupations

Sec. 8.⁵⁰ (a) If the commissioner finds that any occupation is particularly hazardous for the employment of a child and that occupation has been declared to be hazardous by an agency of the federal government, the commissioner by rule shall declare that occupation to be hazardous.

(b) The commissioner by rule may restrict the employment of children 14 years of age or older in hazardous occupations.

(c) A person commits an offense if that person employs a child in violation of a rule adopted under this section.

Certificate of age

Sec. 9.⁵¹ (a) A child who is at least 14 years of age may apply to the department for a certificate of age.

(b) When applying for a certificate of age, a child must present documentary proof of age that the department finds necessary.

(c) After the department has approved a child's documentary proof of age, the department shall issue to the child a certificate stating the date of birth of the child.

(d) It is a defense to prosecution of a person employing a child who does not meet the minimum age standard for a type of employment that the person in good faith relied on an apparently valid certificate of age presented by the child showing the child to be the required minimum age.

Actors

Sec. 10.⁵² The commissioner by rule may authorize the employment of a child under 14 years of age as an actor or performer in a motion picture or in a theatrical, radio, or television production.

48. Vernon's Ann.Civ.St. art. 5181.1, § 6. 51. Vernon's Ann.Civ.St. art. 5181.1, § 9.
49. Vernon's Ann.Civ.St. art. 5181.1, § 7. 52. Vernon's Ann.Civ.St. art. 5181.1, § 10.
50. Vernon's Ann.Civ.St. art. 5181.1, § 8.

Exemptions

Sec. 11.⁵³ (a) This Act does not apply to employment of a child who is:

- (1) employed in a nonhazardous occupation under the direct supervision of the child's parent or an adult having custody of the child in a business or enterprise owned or operated by the parent or custodian;
- (2) engaged in delivery of newspapers to the consumer;
- (3) participating in a school-supervised and school-administered work-study program approved by the department;
- (4) employed in agriculture during a period of time when the child is not legally required to be attending school;
- (5) employed through a rehabilitation program supervised by a county judge; or
- (6) engaged in casual nonhazardous employment with parental consent or the consent of an adult having custody of such child which will not endanger the safety, health, or well-being of such child.

(b) In this section, "employed in agriculture" means engaged in producing crops or livestock and includes:

- (1) cultivating and tilling the soil;
- (2) producing, cultivating, growing, and harvesting an agricultural or horticultural commodity;
- (3) dairying; and
- (4) raising livestock, bees, fur-bearing animals, or poultry.

(c) The commissioner by rule may define nonhazardous casual employment which the commissioner determines is dangerous to the safety, health, or well-being of a child.

Penalty

Sec. 12.⁵⁴ An offense under this Act is a Class C misdemeanor.

Repeal

Sec. 13. Articles 5181a through 5181g, Revised Civil Statutes of Texas, 1925, as amended, are repealed.⁵⁵

Effective date

Sec. 14.⁵⁶ This Act takes effect January 1, 1982, and applies only to the employment of a child after that date. Employment of a child before the effective date of this Act is subject to Articles 5181a through 5181g, Revised Civil Statutes of Texas, 1925, as amended, and those laws are continued in effect for that purpose.

Emergency

Sec. 15. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on March 25, 1981, by a non-record vote; House refused to concur in Senate amendments to H.B. No. 539 on June 1,

53. Vernon's Ann.Civ.St. art. 5181.1, § 11.

56. Vernon's Ann.Civ.St. arts. 5181.1 note, 5181a note.

54. Vernon's Ann.Civ.St. art. 5181.1, § 12.

55. Vernon's Ann.Civ.St. arts. 5181a to 5181g, repealed.

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1981, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 539 on June 1, 1981, by a non-record vote; passed by the Senate, with amendments, on May 31, 1981: Yeas 30, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; Senate adopted the conference committee report on H.B. No. 539 on June 1, 1981, by a viva voce vote.

Approved June 12, 1981.

Effective Jan. 1, 1982.

BAILIFFS—CERTAIN DISTRICT COURTS

CHAPTER 532⁵⁷

H. B. No. 584

An Act relating to the office of bailiff for certain district courts.

Be it enacted by the Legislature of the State of Texas:

Bailiff appointed by judge

Section 1. The judges of the 65th, 120th, 142nd, 205th, 210th, 238th, 243rd, 318th, and 327th district courts may each appoint a person to serve his court as bailiff.

Evidence of appointment

Sec. 2. An order signed by the appointing judge and entered on the minutes of the court shall be evidence of the appointment of a bailiff. The judge shall give each commissioners court in the district written notification of the appointment, the date of employment, and the compensation to be paid by each county.

Oath

Sec. 3. The following oath shall be administered by the appointing judge to each bailiff appointed under this Act: "You solemnly swear that you will faithfully and impartially perform all duties as may be required of you by law, so help you God."

Qualifications

Sec. 4. To be eligible for appointment to the office of bailiff, a person must be a resident of a county in which he serves the court and must be at least 21 years of age.

Term of office

Sec. 5. A bailiff holds office at the will of the judge of the court served by the bailiff.

⁵⁷. Vernon's Ann.Civ.St. art. 2292o, §§ 1 to 8.